IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

Bail Appl..No. 7289 of 2007()

CRIME NO. 1052/07 OF MUVATTUPUZHA POLICE STATION

PETITIONER/2ND ACCUSED:

SOORAJ S., S/O. SASI,
AGED 17 YEARS, STUDENT, SANKARAMANGALAM HOUSE,
MEKKADAMPU, MUVATTUPUZHA, REP. BY HIS FATHER SASI,
SANKARAMANGALAM HOUSE, MEKKADAMPU, MUVATTUPUZHA.

BY ADV. SRI.PEEYUS A.KOTTAM
SRI.M.M.PRASAD
SRI.K.C.BIJU
SRI.P.JIMMY JOHN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY CIRCLE INSPECTOR OF POLICE,
MUVATTUPUZHA POLICE STATION REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.
(INVESTIGATING OFFICER IN CRIME NO.1052/2007 OF
MUVATTUPUZHA POLICE STATION).

BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7289 OF 2007

Dated this the 1st day of December, 2007

ORDER

Application for anticipatory bail. The petitioner is the 2nd accused. He along with the co-accused faces allegations for offences punishable, inter alia, under Sec.307 read with Sec.149 of the IPC and Sec.27 of the Arms Act. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner points out that the petitioner is a juvenile, he having been born on 24/4/90 as per the Secondary School Leaving Certificate issued to the petitioner.

3. The learned Public Prosecutor submits that the petitioner can in that event appear before the learned Magistrate/Juvenile Justice Board and claim the benefits available to a child in conflict with the law under the Juvenile

Justice (Care and Protection of Children) Act. The learned counsel for the petitioner only prays that appropriate observations to that effect may be made.

4. In the result, this bail application is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Chief Judicial Magistrate/Juvenile Justice Board at 11 a.m. on 12/12/2007. By then, necessary report shall be made to the learned C.J.M. by the Investigating Officer

(ii) The learned C.J.M. shall consider the application for regular bail to be filed by the petitioner on merits, in accordance with law and expeditiously on the date of appearance itself. I record the undertaking by the learned Public Prosecutor that the petitioner shall not be arrested till 12/12/2007.

5. Hand over a copy of this order to the learned Public Prosecutor.

Sd/-

(R. BASANT, JUDGE)

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//true copy// P.S. to Judge